

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.25832 of 2000

Dated: 24th November, 2005

Between:

1. Bhonagiri Radhakrishna, S/o.Venkata Ramana,
R/o.Mahabubabad, Warangal District and another.

..... PETITIONERS

AND

1.The Joint Collector, Warangal, Warangal District
and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 25832 of 2000

ORDER:

This writ petition has been filed by Bhonagiri Radhakrishna and Bhonagiri Venkata Ramana aggrieved by the order dated 10.12.1998 passed by the Joint Collector, Warangal-1st respondent in exercise of the revisional powers under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act').

2. The facts giving raise to filing of the writ petition, in brief, are: 2nd petitioner is the father of 1st petitioner. 2nd petitioner inherited an extent of Ac.3.00 cents comprising Survey No.307/2 from his father-B.Kistaiah, who claims to have purchased the land under a registered sale deed dated 30.10.1958. 2nd petitioner executed a gift deed in respect of the land in question on 15.06.1989 in favour of 1st petitioner. 1st petitioner filed an application before the Mandal

Revenue Officer, Mahabubabad-3rd respondent, for regularization of the transfer and for issuance of pattadar passbook/title deed in his favour. On considering the material on record, the Mandal Revenue Officer regularized the gift deed and issued pattadar passbook/title deed in favour of 1st petitioner. The order passed by the Mandal Revenue Officer came to be challenged before the appellate authority i.e. Revenue Divisional Officer, Mahabubabad-2nd respondent. The Revenue Divisional Officer confirmed the order passed by the Mandal Revenue Officer. Thereupon, 4th respondent herein filed a revision before the Joint Collector, Warangal-1st respondent, who remanded the matter to the Revenue Divisional Officer for fresh disposal. The Revenue Divisional Officer, on remand, confirmed the order of the Mandal Revenue Officer. Thereupon, 4th respondent filed a revision before the Joint Collector, Warangal-1st respondent challenging the order of the Revenue Divisional Officer. The Joint Collector allowed the revision setting aside the orders passed by the original authority as well as the appellate authority. Hence, this writ petition.

3. Heard learned counsel appearing for the petitioners, learned Government Pleader for Revenue appearing for the respondents 1 to 3 and learned counsel appearing for the 4th respondent.

4. Learned counsel appearing for the petitioners submits that the revisional authority without assailing any valid reasons interfered with the well-reasoned orders passed by the original authority as well as the appellate authority. Thus, the order impugned in the writ petition is liable to be set aside. He further submits that the findings recorded by the revisional authority are contrary to the material placed on record.

5. Learned Government Pleader for Revenue appearing for the respondents 1 to 3 submits that the land in question is a government land and therefore, pattadar passbook/title deed cannot be issued in favour of the 1st petitioner and thus, the revisional authority justified in setting aside the orders passed by the original as well as the appellate authority.

6. Learned counsel appearing for the 4th respondent submits that the land in question is being used by the villagers and therefore, no pattadar passbook/title deed can be issued in favour of the 1st petitioner for the said land.

7. The issue that requires to be resolved is whether the land in question is a government land or patta land. The Mandal Revenue Officer and the Revenue Divisional Officer, who are the original and appellate authorities respectively, recorded a finding that the land in dispute is a patta land. The Joint Collector on verifying some records assumes that the land in question is not a patta land and therefore, concluded that the 1st petitioner is not entitled for grant of pattadar passbook/title deed. The only reference made by the Joint Collector to draw such a conclusion is Form-X submitted under Section 5 of the Act. This Court on 02.08.2005 directed the learned Government Pleader for Revenue to place on record Form-X. Accordingly, learned Government Pleader placed on record a copy of the Form-X. The 1st petitioner stated in Form-X that he has been in possession of the land from 15.06.1989 i.e. from the date of gift deed. There is no material on record placed by the 4th respondent to show that the land in question is a government land. Neither the Mandal Revenue Officer nor the Revenue Divisional Officer stated in their orders that the land in question is a government land. In that view of the matter, I find that the conclusion reached by the revisional authority i.e. the Joint Collector, Warangal-1st respondent that the said land is a government land is contrary to the material placed on record.

8. Accordingly, the writ petition is allowed setting aside the order in D.Dis.No.B6/3422/98, dated 10.12.1998, passed by the Joint Collector, Warangal-1st respondent and restoring the order in file No.B/3344/96, dated 31.03.1998 passed by the Revenue Divisional Officer, Mahabubabad-2nd respondent (appellate authority) as well as the order in file No.B/04/96, dated 10.07.1996, passed by the Mandal Revenue Officer, Mahabubabad-3rd respondent (original authority). No costs.

B.SESHASAYANA REDDY, J.

Dated: 24th November, 2005.

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